



Cumberland Falls, Corbin, Kentucky  
Cumberland Cultural Heritage Highway

## SCENIC BYWAYS & HIGHWAYS

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## OVERVIEW

The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 established a Scenic Byways Advisory Committee to develop a national scenic byways program. ISTEA further encouraged individual states to institute a state scenic byways program. ISTEA has been reaffirmed and reauthorized by the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) and the latest federal law Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) providing funding for the program.

A Scenic Byway or Highway has roadsides or view-sheds with scenic (aesthetic), natural, cultural, historical, archeological and/or recreational value worthy of preservation, restoration, protection, and enhancement. Scenic highways are roads which meet the American Association of State Highway and Transportation Officials (AASHTO) guidelines for highways and are state maintained as part of the state Primary Road System. These roads carry greater traffic volumes at higher travel speeds than scenic byways. Scenic byways are roads of lower traffic volumes and slower travel speeds. These byways by statute are locally maintained roadways with safety of travel as a prime consideration.

The KYTC has oversight responsibility for the Scenic Byways and Highways Program. The KYTC serves to:

- Establish specific criteria for designation as a state scenic byway or highway
- Review applications for designation to statewide scenic system
- Officially designate routes as part of statewide scenic system
- Oversee statewide signage and promotion (In corporation with the Department of Tourism)
- Administer funds for projects related to the scenic system
- Be a central repository and clearinghouse for information
- Provide technical support
- Provide for safety and service of traveling public
- Ensure integrity of system through oversight and de-designation when appropriate
- Work with Federal Highway Administration (FHWA) to incorporate any applicable Kentucky scenic route into the national network

When the KYTC places a route on the Kentucky Scenic Byways and Highways network, the Cabinet is only designating the actual roadway and the associated declared right-of-way. Designation as a scenic route will not affect the level of maintenance or the agency responsible for maintenance. The ongoing responsibility and concern shall be to ensure safety and travel service on the road.

**Designation of a route as a Scenic Byway or Highway shall in no way be construed as prohibiting the Kentucky Transportation Cabinet from making transportation-related improvements as deemed appropriate by the cabinet.**

Construction and maintenance procedures for the roads with scenic designation may be developed to reasonably provide for the safety and service of the traveling public. Projects may be accomplished by the KYTC to mitigate safety problems or improve the quality of the road. If designation as a scenic route jeopardizes public safety, the Cabinet can and will deny and/or remove the route from the Scenic Byways and Highways Program.



McNeils Crossing --KNOX COUNTY Wilderness Road National Scenic Byways

### State Designation

The KYTC envisions a Scenic Byways and Highways Program based on strong local and/or regional support and commitment. Applicants and/or applicant groups are to unite public and private support and resources along the route. They are to prepare the application for designation of the route as part of the state scenic program. Awardees will have primary responsibility for the ongoing monitoring of the scenic qualities of the viewshed or adjacent land areas. Failure to act responsibly in this management role may result in the loss of the qualities which make the route scenic. Changes in the scenic character may result in review by the KYTC and possible removal of the designation as a Scenic Byway or Highway.

The KYTC views the Scenic Byways and Highways program as a unique opportunity for government, private citizens, and organizations through cooperative efforts to protect the state's natural scenic resources, promote tourism, foster associated economic development, and maximize the potential of little traveled or bypassed roads.

## [State Designation Application Process](#)

### [Office of Local Programs Requirements:](#)

#### [Intent-To-Apply Form](#)

The Office of Local Programs (OLP) requires all potential applicants to complete the Scenic Byway State Designation Intent-To-Apply form. Completion of this form allows the OLP to review the proposed projects and provide the applicants with valuable information before the completion of a full application.

The only entities eligible to apply for State Scenic Byway project designation are state and local government agencies. Nonprofit organizations, byways groups, tourism departments, etc., are to be in partnership with a government sponsor (state or local government agency). The party nominating the byway or highway is the “byway leader” and “sponsor.”

#### [Letter of Invitation](#)

After reviewing the Intent-To-Apply forms, OLP shall send each applicant either (a) a letter of invitation to submit a full application or (b) a letter of ineligibility. The full application shall be available only to applicants who receive letters of invitation.

Sponsors may apply for State Scenic Byway or Highway designation at any time throughout the year. Following consultation with the state Scenic Byway coordinator, eligible applicants may complete the full State Scenic Byways and Highways application (TC 20-26E, formerly TC 52-200), found at the OLP website. Six (6) identical copies of the full application should be submitted to the OLP for consideration. Each copy is to be bound (but not in a three-ring binder). The project sponsor is to keep the original and at least one copy for its use. The applicant is to identify clearly the sponsor and the project title on the front of the application packet.

\*To extend a previously designated state Scenic Byway or Highway, the designation process listed above must be followed.

The applicant is to submit the application packet to:

Kentucky Transportation Cabinet  
Office of Local Programs  
Scenic Byways & Highways  
200 Mero Street, 6<sup>th</sup> Floor  
Frankfort, KY 40622



Natural Bridge Arches, Red River Gorge National Scenic Byway, Wolf County, Kentucky

The following criteria will be considered equally in evaluating State Byway and Highway designation applications:

#### Significance of Intrinsic Qualities

The regional significance of the Intrinsic Quality(s) as directly related to the road. The six (6) intrinsic qualities as defined on [www.bywaysonline.org](http://www.bywaysonline.org) are as follows:

#### *Archaeological Quality*

Involves those characteristics of the scenic byways corridor that are physical evidence of historic or prehistoric human life, or activity that are visible and capable of being inventoried and interpreted. The scenic byways corridor's archeological interest, as identified through ruins, artifacts, structural remains, and other physical evidence have scientific significance that educate the viewer and stir appreciation for the past.

#### *Cultural Quality*

Evidence and expressions of the customs or traditions of a distinct group of people. Cultural features including, but not limited to, crafts, music, dance, rituals, festivals, speech, food, special events, vernacular architecture, etc., are currently practiced. The cultural qualities of the corridor could highlight one or more significant communities and/or ethnic traditions.

#### *Historic Quality*

Encompasses legacies of the past that are distinctly associated with physical elements of the landscape, whether natural or manmade, that are of such historic significance that they educate the viewer and stir an appreciation for the past. The historic elements reflect the actions of people and may include buildings, settlement patterns, and other examples of human activity. Historic features can be inventoried, mapped, and interpreted. They possess integrity of location, design, setting, material, workmanship, feeling, and association.



### *Natural Quality*

Applies to those features in the visual environment that are in a relatively undisturbed state. These features predate the arrival of human populations and may include geological formations, fossils, landform, water bodies, vegetation, and wildlife. There may be evidence of human activity, but the natural features reveal minimal disturbances.



Via Ferrata Climbing Adventure, Red River Gorge  
National Scenic Byway, Wolf County, KY

### *Recreational Quality*

Involves outdoor recreational activities directly associated with and dependent upon the natural and cultural elements of the corridor's landscape. The recreational activities provide opportunities for active and passive recreational experience. The recreational activities may be seasonal, but the quality and importance of the recreational activities as seasonal operations must be well recognized.

### *Scenic Quality*

The heightened visual experience derived from the view of natural and manmade elements of the visual environment of the scenic byway corridor. The characteristics of the landscape are strikingly distinct and offer a pleasing and most memorable visual experience. All elements of the landscape-landform, water, vegetation, and manmade developments-contribute to the quality of the corridor's visual environment. Everything present is in harmony and shares in the intrinsic qualities.

### *Unique Experience*

Quality and quantity of points of interest and available activities along the byways that illustrate one or more intrinsic qualities which are distinct and most representative of the region.

### *Preparedness*

Demonstrated readiness of byways communities and service providers to promote the resources of the corridor and share the story of the intrinsic quality(s).

### *Continuity and Wayfinding*

How travelers learn about and increase their understanding of the intrinsic quality(s) and its relationship to the road.

### *Community Involvement and Support*

Support of local communities, agencies, organizations, and residents. Documentation that demonstrates the applicant has assessed support and opposition to designation efforts. ( Letters of support are to be submitted ONLY with the designation application.)

### *State Designation Determination Process*

The Scenic Byways Advisory Committee (SBAC), which is made up of the State Scenic Byways & Highways Coordinator, a representative from the Office of Local Programs (OLP), the state Bicycle-Pedestrian Coordinator, and a Department of Tourism representative, which will review each application for State Byway designation. The SBAC will make a recommendation to the Transportation Tourism Interagency Committee (TTIC), who also reviews the application. The TTIC will then forward its recommendation to the KYTC Secretary who will make the final decision.

The SBAC and TTIC also advise the Secretary on de-designations of byways and highways that have deteriorated from the condition which they were originally designated.

## National Scenic Byways–Designation & Funding

### Office of Local Programs Requirements

With support from their State Scenic Byways and Highways Coordinator, state or local government sponsors, in cooperation with byway leaders, may nominate any Kentucky Scenic Byway or Highway for possible designation by the U.S. Secretary of Transportation as a National Scenic Byway or All-American Road (note: there is no national distinction between scenic highways and scenic byways). Careful thought and significant effort should go into each national nomination. Stakeholders need to know what benefits could result from the designation and what their responsibilities are when they become part of the collection of America's Byways®. This designation, based on one or more archaeological, cultural, historic, natural, recreational, and/or scenic intrinsic qualities, enables sponsors to make application for National Scenic Byways Program Funds to implement projects along the Byway. Project activities eligible for these federal program funds are:

1. An activity related to the planning, design, or development of a State Scenic Byway program.
2. Development and implementation of a corridor management plan to maintain the scenic, historical, recreational, cultural, natural, and archaeological characteristics of a byway corridor while providing for accommodation of increased tourism and development of related amenities.
3. Safety improvements to a State Scenic Byway, National Scenic Byway, or All-American Road to the extent that the improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway as a result of the aforementioned designation.
4. Construction along a Scenic Byway of a facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement, overlook, or interpretive facility.
5. An improvement to a Scenic Byway that will enhance access to an area for the purpose of recreation, including water-related recreation.
6. Protection of scenic, historical, recreational, cultural, natural, and archaeological resources in an area adjacent to a Scenic Byway.
7. Development and provision of tourist information to the public, including interpretive information about a Scenic Byway.
8. Development and implementation of a Scenic Byway marketing program.



The KYTC administers all Scenic Byways and Highways project funds awarded from the federal government, as such, when considering development and submission of a National Scenic Byway designation application, project sponsors should first transmit to the OLP State Scenic Byways and Highways Coordinator an informational Intent to Apply. This form can be found at the OLP website, [www.tea21.ky.gov](http://www.tea21.ky.gov).

This transmittal should be sent to:  
Kentucky Transportation Cabinet  
Office of Local Programs-Scenic Byways & Highways  
200 Mero Street, 6<sup>th</sup> Floor  
Frankfort, KY 40622

The State Coordinator will assist the sponsor in reviewing requirements and discuss the eligibility of proposed projects. **Application for these monies is generally made yearly.** The Federal Highway Administration (FHWA) will solicit projects through the KYTC. The Cabinet, in turn, will issue a statewide call for applications.

Application forms for Federal Scenic Byway designation and funding will be found online. A 20% cash or in-kind match is required. The web link for the application site is <http://www.bywaysonline.org/grants/application/>. This webpage contains important application preparation information provided by the FHWA. Following receipt of applications by the OLP, they are then submitted, by OLP staff to the FHWA Kentucky Division Office. Following intensive review by FHWA staff, the U.S. Secretary of Transportation will make the final project selection and subsequent funding announcements.

### [Funding & Reimbursement](#)

Should an application be chosen for funding, awardees shall work closely with the OLP and the KY Scenic Byways Coordinator to move their project to the "Contract Stage".

For all projects, evidence of Commitment of Other Funds for the project's 20% non-federal share must be submitted as soon as possible after funding announcement.

Some projects may involve environmental clearances. The Scenic Byways Coordinator will initiate this process per established KYTC procedures. Obtaining these clearances can involve various steps ranging from a single document, usually applicable to byway planning activities, to extensive documentation, i.e. plans/specifications, environmental assessments/impact statements, etc., necessitated by construction related projects.

Upon completion of the Environmental Analysis process, the Scenic Byways Coordinator will collaborate with the KYTC Division of Program Management to include the project in the State Transportation Improvement Plan or the Transportation Improvement Plan, as applicable.

## Implementation Workshop

Prior to initiation of the Contracting process, a mandatory Project Implementation Workshop will be conducted by the FHWA Kentucky representative and KY OLP staff to review administrative guidelines for the project. Attendees shall include the Chief Executive Officer (CEO) and Fiscal Officer of the sponsoring entity, and Project Administrator. Other key parties may also be included. The meeting format and topics discussed will focus on financial management, regulatory compliance, and other programmatic issues that may vary depending on project specificity. The OLP shall provide a choice of dates and locations. Failure to participate in an implementation workshop can result in the reassignment of funds to another project.

Following the Project Implementation Workshop, pending the submission, by the Project Sponsor, and approval, by the OLP, of additional information as required, the Contract between the KYTC and the project sponsor will then be prepared and transmitted for execution. No work can begin on the project until the project sponsor receives the fully executed contract from the KYTC.

\*\*\*NOTE\*\*\*The Federal Scenic Byway funds are provided on a reimbursement basis. Any project costs committed or expended prior to execution of the Contract between the KYTC and the Recipient are not eligible for reimbursement.

## Regulations

Federal law prohibits new billboard construction along nationally designated scenic byways that are interstate, National Highway System, or Federal-aid Primary Highways. Existing billboards are allowed to remain. Regarding state-designated byways and highways, Kentucky law is consistent with Federal law on advertising devices for scenic highways or those highways which are state maintained. However, Kentucky law is more restrictive including, limited access highways and turnpikes as additional roadways on which advertising is further exempted. Existing billboards that were legal or designated as nonconforming on the date the highway was designated scenic are allowed to remain on the scenic byway or highway.

## Disadvantaged Business Enterprise (DBE)

The Disadvantaged Business Enterprise (DBE) Program ensures equal opportunity to small, socially, and economically disadvantaged businesses. The KYTC's DBE Directories can be found at [www.transportation.ky.gov/OBOD/DBE\\_Directory.pdf](http://www.transportation.ky.gov/OBOD/DBE_Directory.pdf)

## Wage Requirements

The Davis-Bacon Act (prevailing federal wage) shall apply to Scenic Byways projects of \$2,000 or greater within the right of way of a federal-aid highway. If the project is

outside the right of way, the Davis-Bacon Act does not apply. If the cost within the federal-aid highway right of way is greater than \$2,000 for a project partially on and off the right of way, the Davis-Bacon Act applies. Prevailing state wage rates shall apply to all projects with a total cost of \$250,000 or greater. Cost estimates prepared shall consider these requirements.

**Projects shall comply with:**

- Model Procurement Code as it relates to local public agencies (KRS45A.343, 345-460)
- Title VI of the Civil Rights Act and Environmental Justice, Disadvantaged Business Enterprise
- Uniform Relocation Act

Other requirements are qualifications-based selection of professional services, including engineering and architectural services, and competitive bidding procedures for construction and related activities in addition to any other applicable requirements for federal funding of the specific project.

[\*\*Americans with Disabilities Act \(ADA\)\*\*](#)

A commitment shall be made to comply with ADA accessibility requirements.

ADA information lines: **800-514-0301 (voice) and 800-514-0383 (TDD)**

[\*\*Environmental Compliance\*\*](#)

All Scenic Byways projects shall conform with:

- National Environmental Policy Act (NEPA)
- Section 4(f) of 49 United States Code (USC) 303
- National Historic Preservation Act
- Section 404 of the Clean Water Act